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EXAMINER	
JAKOVAC, RYAN J	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/784,450	ZILLIACUS ET AL.	
	Examiner	Art Unit	
	RYAN J. JAKOVAC	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03/26/2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-5, 9-11, 18-22, 24-26, 29, 33, 36-40, 44, 45, and 47-50 are rejected under 35 U.S.C. 102(e) as being anticipated by US 6,671,355 to Spielman et al (hereinafter Spielman).

Regarding claim 1, Spielman teaches a method for determining one or more recipients of a generic-recipient message and for dispatch of the message within a digital communication network, the method comprising: receiving a generic-recipient message at a network hub (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35.); determining predefined attributes of the message; determining one or more recipients for the message based upon the predefined attributes (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information.

Col. 8, line 30-44, Attributes of the message are checked against the LDAP directory. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55); and dispatching the message to one or more recipients (Spielman, Col. 5, line 55-60, The message is dispatched to a selected device.).

Regarding claim 2, Spielman teaches the method of claim 1, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 4, line 40-55, The primary mailbox receives messages such as SMTP messages. Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 3, Spielman teaches the method of claim 1, wherein receiving a generic-recipient message at a network hub further comprises receiving a message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 4, Spielman teaches the method of claim 1, wherein determining predefined attributes of the message further comprises determining predefined attributes chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 5, Spielman teaches the method of claim 1, wherein determining one or more recipients for the message based upon the predefined attributes further comprises correlating the predefined attributes of the message with stored information related to potential recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 9, Spielman teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises transmitting the message to one or more recipients via a communication medium chosen from the group of communication medium consisting of short-range wireless communication, Internet communication, SMS communication, and MMS communication (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 10, Spielman teaches a method for prioritizing a generic-recipient message at a network hub, the method comprising: receiving a generic-recipient message at a network hub (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages.); determining predefined attributes of the message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information.); determining whether the message has priority based on the predefined attributes (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority. See also, col. 3, line 1-10 and 25-51, col. 6,

line 1-60, and Fig. 3.); and prioritizing the message if a determination is made that the message has priority (Spielman, Fig. 2B Discloses the message priority information being recorded.).

Regarding claim 11, Spielman teaches the method of claim 10, Spielman does not teach but Syri teaches wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has display priority based on the predefined attributes (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority.).

Regarding claim 18, Spielman teaches the method of claim 10, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 19, Spielman teaches the method of claim 10, wherein receiving a generic-recipient message at a network hub further comprises receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 20, Spielman teaches the method of claim 10, wherein determining predefined attributes of the group-addresses message further comprises determining predefined attributes chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 21, Spielman teaches the method of claim 10, Spielman does not teach but Albal teaches wherein determining whether the message has priority based on the predefined attributes further comprises correlating the predefined attributes of the message with stored information related to message priority (Spielman, Col. 6, line 45-65, The notification message is examined to determine if the message has priority.).

Regarding claim 22, Spielman teaches a device having a processing unit configured to: determine[[s]] predefined attributes of the generic-recipient message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information.) and compare[[s]] the predefined attributes to pre-stored information related to one or more potential recipients to determine one or more recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55).

Regarding claim 24, Spielman teaches the device of claim 22, wherein the processing unit is further configured to dispatch the message to one or more determined recipients via a digital cellular network (Spielman, Col. 5, line 30-55, The message is sent to cell phones.).

Regarding claim 25, Spielman teaches the device of claim 22, wherein the processing unit is further configured to dispatch the message to one or more determined recipients via a communication network (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 26, Spielman teaches the device of claim 25, wherein the communication network is chosen from the group consisting of the Internet, a Short Message Service (SMS) network, a Multimedia Message Service (MMS) network and a telephony network (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 29, Spielman teaches a device comprising a processing unit (Spielman, Fig. 1, number 10, The notification system.) configured to receive[[s]] generic-recipient messages from one or more communication networks (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35); and determine[[s]] predefined attributes of received generic-recipient messages and compare[[s]] the predefined attributes to pre-stored priority information to determine if the received message requires prioritization (Spielman, Col. 6, line 45-65.The

notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message. See also, col. 3, line 1-10 and 25-51, col. 6, line 1-60, and Fig. 3.).

Regarding claim 33, Spielman teaches the device of claim 29, wherein the processor is further configured to determine[[s]] predefined attributes of received generic-recipient messages and compares the predefined attributes to the dispatch priority information to determine if the received messages require dispatch prioritization (Spielman, Col. 6, line 45-65.The notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message.).

Regarding claim 36, Spielman teaches a computer program product for automatically determining one or more recipients of a generic-recipient message and dispatching the message to the one or more recipients within a digital communication network, the computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising: first instructions for storing information related to potential message recipients (Spielman, Fig. 1, number 30, The LDAP directory stores notification preferences.); second instructions for receiving a generic-recipient message (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages. See also col. 2, line 50-67, col. 3, line 10-20, col. 7, line 35-35) at a network hub and determining predefined attributes associated with the

generic-recipient message (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information. See also, col. 2, line 10-17 and 40-67, col. 4, line 55-67, col. 6 line 1-10 and 40-60, col. 8, line 29-55); and third instructions for determining one or more recipients of the generic-recipient message by comparing the predefined attributes associated with the generic-recipient message to the stored information related to potential message recipients (Spielman, Col. 6, line 6-15, The notification process accesses the subscriber directory to retrieve subscriber attribute information for each recipient specified in the notification message.).

Regarding claim 37, Spielman teaches the computer program product of claim 36, wherein the computer-readable program instructions further comprise fourth instructions for dispatching the message to the one or more determined recipients (Spielman, Col. 5, line 55-60, The message is dispatched to a selected device.).

Regarding claim 38, Spielman teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 39, Spielman teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 40, Spielman teaches the computer program product of claim 36, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message further comprises second instructions for determining predefined attributes associated with the generic-recipient message chosen from the group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 44, Spielman teaches the computer program product of claim 37, wherein the step of dispatching the message to one or more recipients further comprises transmitting the message to one or more recipients via a communication medium chosen from the group of communication medium consisting of short-range wireless communication, Internet communication, SMS communication, and MMS communication (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 45, Spielman teaches a computer program product for prioritizing generic-recipient messages at a network hub, the computer program product comprising a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions comprising: first instructions for storing information related to message priority (Spielman, Fig. 1, number 30, The LDAP directory stores notification preferences.); second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the generic-recipient message (Spielman, Col. 4, line 60-66, The primary mailbox of the notification system receives generic messages.); and third instructions for determining whether the generic-recipient message has priority by comparing the predefined attributes associated with the generic-recipient message to the stored information related to message priority (Spielman, Col. 8, line 64-67 to Col. 9, line 1-5, The notification delivery message is parses for the destination address information and notification information. See also, col. 3, line 1-10 and 25-51, col. 6, line 1-60, and Fig. 3.).

Regarding claim 47, Spielman teaches the computer program product of claim 45, wherein the first instructions for storing information related to message priority further comprises first instructions for storing information related to message dispatch priority and the third instructions for determining whether the message has priority further comprises third instructions for determining whether the message has dispatch priority by comparing the predefined attributes associated with the messages to the stored information related to message

dispatch priority (Spielman, Col. 6, line 45-65.The notification process retrieves subscriber notification preferences and generates a notification message and a corresponding portion of the notification information which includes the priority of the message.).

Regarding claim 48, Spielman teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for receiving a generic-recipient message, chosen from the group of messages consisting of a Short Message Service (SMS) message, a Multimedia Message Service (MMS) message, electronic mail (email) message and voice message (Spielman, Col. 5, line 26-55, Messages are delivered to devices including email, and SMS.).

Regarding claim 49, Spielman teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for receiving a generic-recipient message at a wireless network hub (Spielman, Col. 5, line 42-50, The paging server delivers a wireless message.).

Regarding claim 50, Spielman teaches the computer program product of claim 45, wherein the second instructions for receiving a generic-recipient message at a network hub and determining predefined attributes associated with the message further comprises second instructions for determining predefined attributes associated with the message chosen from the

group of attributes consisting of type of message, sender of the message, subject of the message and content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 6, Spielman teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Regarding claim 23, Spielman teaches the device of claim 22, wherein the processing unit is further configured for dispatching the messages to one or more determined recipients via lower power Radio Frequency (RF) (Spielman, Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones.).

Regarding claim 41, Spielman teaches the computer program product of claim 37, wherein the fourth instruction for dispatching the message to one or more recipients further comprises assigning recipient Radio Frequency (RF) identifiers to the message (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 7, 12, 27, 30, 32, 35, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of US 2006/0017983 to Syri et al (hereinafter Syri).

Regarding claim 7, Spielman teaches the method of claim 1, wherein dispatching the message to one or more recipients further comprises displaying the message on a display (Syri, Paragraph [0072], Preferred emails are displayed first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein dispatching the message to one or more recipients further comprises displaying the message on a display as taught by Syri with the method of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 8, the combination of Spielman and Syri teaches the method of claim 7, wherein displaying the message on a display further comprises displaying the message on a display associated with a radio frequency (RF) identifier (Spielman, Col. 3, line 54-65, The

notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.).

Regarding claim 12, Spielman teaches the method of claim 11, Spielman does not teach but Syri teaches wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the display of the message if a determination is made that the message has display priority (Syri, Paragraph [0072], The mail agent application checks message priority level and preferred emails are displayed first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the display of the message if a determination is made that the message has display priority as taught by Syri with the method of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 27, Spielman teaches the device of claim 22, Spielman does not teach but Syri teaches further comprising a display associated with the device that displays a message associated with a message identifier (Syri, Paragraph [0072], Preferred emails are displayed first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine further comprising a display associated with the network hub that displays

a message associated with a message identifier as taught by Syri with the method of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 30, Spielman teaches the device of claim 29, wherein the processing unit is further configured to determine[[s]] predefined attributes of received generic-recipient messages, Spielman does not teach but Syri teaches and compare[[s]] the predefined attributes to pre-stored display priority information to determine if the received messages require display prioritization (Syri, Paragraph [0072], The mail agent application examines messages to check whether there is a previous user preference for priority in order to display the messages of highest priority first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine compare[[s]] the predefined attributes to pre-stored display priority information to determine if the received messages require display prioritization as taught by Syri with the network hub device of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 32, the combination of Spielman and Syri teaches the device of claim 30, wherein the processor is further configured to provide[[s]] for display prioritization to be chosen from the group consisting of displaying prioritized messages first in a list of messages, displaying prioritized messages in a new viewable window and displaying prioritized messages in a highlighted form (Syri, Paragraph [0072], The mail agent application examines messages to

check whether there is a previous user preference for priority in order to display the messages of highest priority first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine, wherein the processor is further configured to provide[[s]] for display prioritization to be chosen from the group consisting of displaying prioritized messages first in a list of messages, displaying prioritized messages in a new viewable window and displaying prioritized messages in a highlighted form as taught by Syri with the device of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 35, the combination of Spielman and Syri teaches the network hub device of claim 29, wherein the processor is further configured to determine[[s]] predefined attributes of the received generic-recipient messages, the predefined attributes chosen from the group consisting of a sender of the message, a type of the message, a subject of the message and the content of the message (Spielman, Fig. 2A, 28a, Discloses attributes of the message including SMTP header, the sender, the subject, and content of the message.).

Regarding claim 46, Spielman teaches the computer program product of claim 45, Spielman does not teach but Syri teaches wherein the first instructions for storing information related to message priority further comprises first instructions for storing information related to message display priority and the third instructions for determining whether the generic-recipient message has priority further comprises third instructions for determining whether the generic-recipient message has display priority by comparing the predefined attributes associated with the

generic-recipient message to the stored information related to message display priority (Syri, Paragraph [0072], The mail agent application examines messages to check whether there is a previous user preference designating priority in order to display the messages of highest priority first on a list.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine, wherein the first instructions for storing information related to message priority further comprises first instructions for storing information related to message display priority and the third instructions for determining whether the generic-recipient message has priority further comprises third instructions for determining whether the generic-recipient message has display priority by comparing the predefined attributes associated with the generic-recipient message to the stored information related to message display priority as taught by Syri with the computer program product of Spielman in order to present a prioritized list of email messages (Syri, Paragraph [0072]).

Regarding claim 28, the combination of Spielman and Syri teaches the device of claim 27, wherein the message identifier is further defined as a Radio Frequency (RF) identifier (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers).).

3. Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of US 2004/0153523 to Albal et al (hereinafter Albal).

Regarding claim 14, Spielman teaches the method of claim 10, Spielman does not teach but Albal teaches wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has dispatch priority based on the predefined attributes (Albal, Paragraph [0028], The email urgency record includes information relating to the priority of the delivery of the email message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein determining whether the message has priority based on the predefined attributes further comprises determining whether the message has dispatch priority based on the predefined attributes as taught by Albal with the method of Spielman in order to be able to specify how quickly email messages should be sent (Albal, Paragraph [0028]).

Regarding claim 34, Spielman teaches the device of claim 33, Spielman does not teach but Albal teaches wherein the processor is further configured to provide[[s]] for dispatch prioritization to be chosen from the group consisting of prioritizing the time at which messages will be dispatched, prioritizing the communication medium used to dispatch messages and prioritizing the recipients of the dispatched messages (Albal, Paragraph [0029], The delivery schedule records includes information related to when an email should be sent including delivery date and delivery time records.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the processor is further configured to provide[[s]] for dispatch prioritization to be chosen from the group consisting of prioritizing the time at which messages will be dispatched, prioritizing the communication medium used to dispatch messages and prioritizing the recipients of the dispatched messages as taught by Albal with method of Spielman in order to be able to specify the delivery time and date of an email (Albal, Paragraph [0029]).

4. Claims 13 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of US 2006/0007932 to Simyon et al (hereinafter Simyon).

Regarding claim 42, Spielman teaches the computer program product of claim 37, Spielman does not teach but Simyon teaches wherein the fourth instructions for dispatching the message to one or more recipients further comprises displaying the message on a display associated with the network hub (Simyon, Paragraph [0038], The email server displays messages on a monitor.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the fourth instructions for dispatching the message to one or more recipients further comprises displaying the message on a display associated with the network hub as taught by Simyon with the computer program product of Spielman in order to be able to display a message on a monitor upon analyzing a report in order notify a human network monitor of certain events (Simyon, Paragraph [0038]).

Regarding claim 43 the combination of Spielman and Simyon teaches the computer program product of claim 42, wherein the fourth instructions for displaying the message on a display associated with the network hub further comprises fourth instructions for displaying the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the network hub. Spielman discloses displaying messages associated with RF identifiers (Spielman, Col. 3, line 54-65, The notification delivery message includes a message information part having selected notification information based on the notification device type (i.e. RF identifiers). Fig. 1 discloses sending messages to devices such as wireless pagers and cell phones. Col. 9, line 10-15, messages and text based notification information are displayed on cell phones.), therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the fourth instructions for displaying the message on a display associated with the network hub further comprises fourth instructions for displaying the message, which is associated with a Radio Frequency (RF) identifier, on a display associated with the network hub (Simyon, Paragraph [0038], The email server displays messages on a monitor.) as taught by Simyon with the computer program product of Spielman and Simyon in order to be able to display a message on a monitor upon analyzing a report in order notify a human network monitor of certain events (Simyon, Paragraph [0038]).

5. Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of Syri and further in view of Simyon.

Regarding claim 31, the combination of Spielman and Syri teaches the device of claim 30, the combination of Spielman and Syri does not teach but Simyon teaches further comprising a display associated with the device that displays message identifiers to one or more recipients (Simyon, Paragraph [0038], The email server displays messages on a monitor.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine further comprising a display associated with the network device that displays message identifiers to one or more recipients as taught by Simyon with the device of Spielman and Syri in order to be able to display a message on a monitor upon analyzing a report in order notify a human network monitor of certain events (Simyon, Paragraph [0038]).

Regarding claim 13, the combination of Spielman and Syri teaches the method of claim 12, the combination of Spielman and Syri does not teach but Simyon teaches wherein prioritizing the display of the message if a determination is made that the message has display priority further comprises displaying the message in a prominent position on a display associated with the hub (Simyon, Paragraph [0038], The email server displays messages on a monitor.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the display of the message if a determination is made that the message has display priority further comprises displaying the message in a prominent position on a display associated with the hub as taught by Simyon with the method of Spielman and Syri in order to be able to display a message on a monitor upon analyzing a report in order notify a human network monitor of certain events (Simyon, Paragraph [0038]).

6. Claims 15-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Spielman in view of Syri and further in view of Simyon and further in view of Albal.

Regarding claim 15, the combination of Spielman, Syri and Simyon teaches the method of claim 13, the combination of Spielman, Syri and Simyon does not teach but Albal teaches wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the dispatch of the message if a determination is made that the message has dispatch priority (Albal, Paragraph [0028], The email urgency record includes information relating to the priority of the delivery of the email message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the message if a determination is made that the message has priority further comprises prioritizing the dispatch of the message if a determination is made that the message has dispatch priority as taught by Albal with the method of the combination of Spielman, Syri and Simyon in order to be able to specify how quickly email messages should be sent (Albal, Paragraph [0028]).

Regarding claim 16, the combination of Spielman, Syri, Albal and Simyon teaches the method of claim 15, wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the communication medium used to dispatch the message if a determination is made that the message has communication

medium dispatch priority (Albal, Paragraph [0028], The email urgency record includes information relating to the priority of the delivery of the email message.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the communication medium used to dispatch the message if a determination is made that the message has communication medium dispatch priority as taught by Albal with the method of the combination of Spielman, Syri, Albal and Simyon in order to be able to specify how quickly email messages should be sent (Albal, Paragraph [0028]).

Regarding claim 17, the combination of Spielman, Syri, Albal and Simyon teaches the method of claim 15, wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority (Albal, Paragraph [0029], The delivery schedule records includes information related to when an email should be sent including delivery date and delivery time records.).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein prioritizing the dispatch of the message if a determination is made that the message has dispatch priority further comprises prioritizing the time of dispatch of the message if a determination is made that the message has time dispatch priority as taught by Albal with method of Spielman, Syri, Albal and Simyon in order to be able to specify the delivery time and date of an email (Albal, Paragraph [0029]).

Response to Arguments

7. Applicant's arguments, with regards to claims 1-50, filed 03/26/2008 have been fully considered but they are not persuasive.

Regarding independent claims 1, 22, and 26, applicant argues that Spielman does not teach the specific limitations of: receiving a generic-recipient message, and determining one or more recipients for the message based upon the predefined attributes.

Spielman teaches receiving a generic-recipient message in col. 2 line 50-67 which describe the notification delivery message. Spielman also discloses receiving a generic-recipient message is col. 4 line 55-67 which describes the generic notification messages.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., applicant argues that a generic-recipient message is one that is not addressed and sent to a specific individual.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, receiving a generic-recipient message is disclosed in Spielman, col. 7, line 25-35, which states that the notification delivery message includes a single message information attachment and at least one subscriber information attachment *for reach recipient* of the original

message. That the notification message specifies more than one recipient is further supported in col. 3, line 10-20.

Spielman teaches determining one or more recipients for the message based upon the predefined attributes in col. 2, line 10-17, which discloses the notification message specifies (i.e. determines) the at least one recipient, and again in col. 2, line 50-67, which discloses that the notification delivery message generated by the system includes attributes for notifying the corresponding at least one notification recipient. Spielman further discloses determining one or more recipients for the message based upon the predefined attributes in col. 6, line 1-10 which discloses that the system accesses subscriber directory information based on the recipient specified in the notification message. The system is determining the recipient, and further looking up information based on each recipient. This is further evidenced again in col. 6, line 40-60 which states that a notification delivery message is generated that specifies the destination address (i.e. recipient). Determining the recipient is taught throughout Spielman, as the system is designed to send messages to recipients and therefore must determine the recipient to send the message to. This evidenced throughout Spielman. See also col. 8, line 29-55. Spielman also determines the recipients based on the generic notification message; see Abstract, col. 2 line 40-67, col. 4, line 55-67.

Regarding independent claims 10, 29, and 45, applicant argues that Spielman does not teach the specific limitations of: determining whether the message has priority based on the predefined attributes, and compare the predefined attributes to pre-stored priority information to determine if the received message requires prioritization. Examiner disagrees that Spielman

does not teach these limitations and respectfully points out that the thrust of Spielman is comparing predefined attributes to pre-stored information to determine if the received message requires prioritization. Spielman states in the abstract that the process determines for each notification message the preferences based on the accessed profile information. This is analogous to comparing predefined attributes (i.e. information in the messages) to pre-stored priority information (i.e. stored subscriber notification preferences). The limitations determining whether the message has priority based on the predefined attributes, and compare the predefined attributes to pre-stored priority information to determine if the received message requires prioritization are disclosed throughout Spielman, but in particular col. 3, line 25-51. This discloses the process of obtaining the notification message and accessing of the subscriber directory. In this process, predefined attributes from the message are compared to pre-stored priority information such as the initiation of message delivery according to user-selected preferences, such as an e-mail message during business hours, a cell phone during specified meeting hours, or a pager during evening hours, which all designate priority. These limitations are further disclosed in col. 3, line 1-10 where the device type represents priority. See also col. 6, line 40-60 which describes how notification delivery messages are generated based on preferences including a priority preference as shown in Fig. 3.

Applicant further argues that because the dependent claims include each of the recitations of a respective independent claim the dependent claims are patentably distinct form the cited references. However, in consideration of the above explanations regarding the independent claims, the examiner respectfully disagrees and maintains the rejections.

Conclusion

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on (571) 272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RJ

/Jason D Cardone/
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